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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,900	07/09/2003	Masahiro Hara	11-169	8446
23400	7590	03/16/2004	EXAMINER	
POSZ & BETHARDS, PLC 11250 ROGER BACON DRIVE SUITE 10 RESTON, VA 20190			LE, UYEN CHAU N	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/614,900	HARA, MASAHIRO	
	Examiner	Art Unit	
	Uyen-Chau N. Le	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-4,6 and 8-12 is/are rejected.
- 7) Claim(s) 5,7 and 13 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: ____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: ____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The abstract of the disclosure is objected to because of its informalities.

Re abstract, line 1: Substitute “An object of the present invention is for an” with --An--.

Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 1, 5 and 7-12 objected to because of the following informalities:

Re claims 1 and 5: The phrase “said images” recited in claims 1 and 5 introduces a plurality of images extends the scope of the expression so as to render it indefinite/lacks antecedent basis.

Re claims 7-12: The phrase “said partial images” recited in claims 7-12 introduces a plurality of images extends the scope of the expression so as to render it indefinite/lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2876

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moed et al (US 5,770,841) in view of Takeda et al (US 5,047,868).

Re claims 1-3, 6 and 8-10, Moed et al discloses a method for displaying an image of information code for a commercial transaction, comprising the steps of: displaying the image; changing the image (e.g., rotate the image); and displaying the changed image (col. 14, lines 32+); wherein each image is moved by a prescribed quantity (e.g., ± 7 degrees) (col. 12, lines 24+ and 40+); wherein the changing step is a step for rotating the image (col. 14, lines 32+); wherein the changing step is a step for moving the image in parallel (e.g., horizontally) (col. 12, lines 24+ and 40+).

Moed et al fails to teach or fairly suggest that each changed image displayed a plurality of times at a prescribed time interval; wherein the image is a partial image divided from an original image.

Takeda et al teaches a plurality of images are displayed within a time interval that specified by an operator (fig. 14; col. 13, lines 13+) and a plurality of partial images divided from an original image (figs. 3 & 6; col. 6, lines 1+ and col. 8, lines 8+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Takeda et al into the teachings of Moed et al in order to provide the operator the ability to view a complete image and thus to create a more accurate record within a period of time, so that he/she can proceed to the next item/package.

6. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moed et al as modified by Takeda et al as applied to claim 1 above, and further in view of Wang et al (US 5,659,167). The teachings of Moed et al as modified by Takeda et al have been discussed above.

Re claims 4 and 11, Moed et al as modified by Takeda et al have been discussed above but fail to teach or fairly suggest that the changing step is a step for changing a size of the image.

Wang et al teaches an operator has a capability to modify the displayed image including adjusting the size of the image (figs. 1-2; col. 3, line 47 through col. 5, line 59; especially col. 5, lines 42+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wang et al into the system as taught by Moed et al/Takeda et al in order to provide Moed et al/Takeda et al with a more accurate system by providing a clear visually image, which would provides the operator a greater capability in aligning and scanning the code image (Wang et al: col. 5, lines 50-59).

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moed et al as modified by Takeda et al as applied to claim 1 above, and further in view of Barber et al (US 6,637,658). The teachings of Moed et al as modified by Takeda et al have been discussed above.

Re claim 12, Moed et al/Takeda et al have been discussed above but fail to teach or fairly suggest that the method further comprises the steps of: reading optically the partial images, decoding the partial images, and combining the decoded partial images in order that the original image is decoded.

Barber et al teaches a method of optically reading and decoding a partial code image (col. 1, lines 34+ and col. 2, lines 51+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Barber et al into the teachings of Moed et al/Takeda et al in order to provide Moed et al/Takeda et al with a more advance system wherein the code image can be decoded one part at a time as it passing through the reader, and thus providing a faster system because the code image/package does not have to stop at the reader to provide a complete image, which would delay a whole system.

Allowable Subject Matter

8. Claims 5, 7 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of records to and all other cited references, taken alone or in combination, fails to teach or fairly suggest the specific structure or the method for displaying an image of information code for a commercial transaction comprising, among other steps, a step of optically reading each of the images, wherein when there are one or more displayed images which includes an unrecognizable part, the unrecognizable part is compensated by other displayed image wherein the unrecognizable part is clearly displayed; wherein each of the partial images includes a code indicating a dividing number or code indicating an order for displaying the partial images as set forth in the claims combination.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Itou et al (US 6,637,662); Wang et al (US 5,513,264); Enokida (US 5,608,862); Koenck (US 5,979,768); Durbin (US 5,414,251); Yamane et al (US 4,964,066); Kikuchi (US 5,825,905); Cahill et al (US 5,940,844); Nakano et al (JP 08/214,153) are cited as of interest and illustrate a similar structure to an apparatus and system of METHOD FOR DISPLAYING AND READING INFORMATION CODE FOR COMMERCIAL TRANSACTION.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on MON-FRI 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Uyen-Chau N. Le
March 7, 2004



THIEN M. LE
PRIMARY EXAMINER